

ARTICLE APPEARED  
ON PAGE A-1

NEW YORK TIMES  
9 April 1984

# U.S. Voids Role Of World Court On Latin Policy

## Central America Cases Suspended for 2 Years

By BERNARD GWERTZMAN

Special to The New York Times

WASHINGTON, April 8 — The Reagan Administration announced today that it would not accept World Court jurisdiction in disputes involving Central America for the next two years.

A senior State Department official said the move, which was unexpected, had been made because of information that Nicaragua was about to bring charges against the United States in the International Court of Justice in The Hague, the official name for the World Court.

He said that confidential intelligence reports received last week, as well as some other public signs, led the Administration to conclude that Nicaragua was planning to go to the World Court in coming days.

### Mining Could Be Issue

The United States has been financing activities and reportedly directing anti-Government rebels in Nicaragua, including the mining of waters in and around Nicaraguan harbors. Last week, the United States vetoed a Security Council resolution calling for a halt to such activities. Presumably, if Nicaragua sought relief in the World Court, it would be in connection with this activity, the official said.

Under World Court rules, a nation can refuse to be judged by the court, but only before a case is brought before it.

"We had to do it very rapidly," the official said today. "If they filed before we moved, we'd be stuck."

"We did not want to turn the World Court into a big propaganda forum," he said, "that would allow the Sandinistas to try to focus attention away from their own actions in El Salvador and in their own country."

A formal notification was given to the United Nations late last Friday, the official said.

The official said this was the first time that the United States had suspended World Court jurisdiction since it acceded in 1946 to the court's having what is known as "compulsory jurisdiction" in all but two matters, those dealing with internal American issues, and those arising from multinational groups.

The State Department statement said "the United States has notified the Secretary General of the United Nations of a temporary and limited modification of the scope of the U.S. acceptance of the compulsory jurisdiction of the International Court of Justice in The Hague."

"The notification, effective April 6, provides that the court's compulsory jurisdiction shall not apply to the United States with respect to disputes with any Central American state or any dispute arising out of, or related to, events in Central America, for a period of two years," the statement continued.

"This step has been taken to preclude the court's being misused to divert attention from the real issues in the region and to disrupt the ongoing regional peace process by a protracted litigation of claims and counter-claims," the department said.

### 'Lack of Serious Interest'

It said recent Nicaraguan behavior "has shown a lack of serious interest in addressing regional issues, or the Contadora discussions." The reference to the Contadora discussions applied to the efforts by four countries, Panama, Venezuela, Colombia and Mexico, to bring about an agreement involving all the Central American countries on such issues as nonaggression, ending foreign military involvement and withdrawing foreign military advisers. Contadora is a Panamanian island where these talks started.

"We do not wish to see the court abused as a forum for furthering a propaganda campaign," the State Department said. "The parties to the Contadora process can determine for themselves in what respect they wish to submit regional issues to adjudication or other forms of dispute resolution."

The department said the Contadora discussions had recently entered into "a stage involving issues of both technical and political difficulty."

### 'Do Not Intend to Cooperate'

"While this is the point at which the greatest attention and commitment to their work is required," the department said, "Nicaragua is regretfully considering action to attempt to divert

attention from its failure to address those issues seriously by staging propaganda spectacles in other fora."

"By our action, we serve notice that we do not intend to cooperate with this plan or permit the court to be misused in that manner," it said.

The department statement said similar actions had been taken in the past by Australia, India and Britain.

In addition, the department said a large number of countries "have not accepted the compulsory jurisdiction" of the World Court. It listed France, Italy, West Germany, Spain, the Soviet Union and other Communist countries in that category.

"The United States has long been active in its support for the court," the department said. It noted that it made "full use" of the court in trying to force Iran to release the American hostages who were seized in 1979, and not freed until January 1981. It noted that the United States was currently engaged at the court in a dispute with Canada over rights in the Gulf of Maine.

### 'Lesser of Two Evils'

A State Department official said today that the decision to suspend Court jurisdiction over Central America was "the lesser of two evils."

"Not to do this," he said, "would have involved not only allowing the Nicaraguans to divert attention from what is going on, but we would have been in litigation with our arms tied behind our backs." This was an allusion, apparently, to the involvement of the Central Intelligence Agency in Nicaragua, something that Washington traditionally does not discuss publicly.

"On the other side, obviously, people will say that this shows you're guilty, or disrespectful of the court," he said. "We're trying to make the point that this is a tactical litigation move, not a sign of disrespect for the court."

In addition to intelligence information received about Nicaragua's intentions, Washington noted that Nicaragua recently assigned a prominent American-trained lawyer, Carlos Arguello, who has been the Vice Minister of Justice, as the new Ambassador to The Hague. This suggested strongly to the United States that he would be in charge of bringing action in the World Court, the official said.